NOTICE OF ADJOURNMENT MOTIONS.

PRESIDENT: As I said yesterday, there are two adjournment motions yet to be disposed of. One of them is from Mr. N. E. Varughese. It reads as follows:—

"I beg leave to move that the business of the House be adjourned to discuss a definite matter of urgent public importance *viz.*, the apprehension in the minds of agricultural debtors and the dislocation and suspense of business transactions in the country, owing to the great and indefinite delay taken by the Government in setting up the Conciliation Boards as provided in the Travancore Agriculturists' Relief Regulation of 1112".

If the honourable member wishes to go on with this motion it will be taken up at 3-30 P. M. today.

There is another adjournment motion in the name of Mr. Elenkath. It reads thus:—

"I beg leave to move that the business of the House be now adjourned to discuss a definite matter of urgent public importance namely the anxiety caused to the public by the recent press note published by the Chief Engineer regarding the unsatisfactory nature of the ground and sub-soil where the present Pallivasal Power House is located and the consequent decision on the part of the Government to build a power house on a more convenient site on the banks of the Muthirampuzha river thereby causing huge additional expenditure to the State and obvious delay in supplying power for the use of the public."

This motion will be taken up at 3-30 p. m. tomorrow.

LEGISLATIVE BUSINESS.

THE TRAVANCORE BAR COUNCIL BILL.—(*contd.*)

Clause 9.—(*contd.*)

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The amendment that was moved yesterdary reads thus:

In Clause 9, add the following as sub-clause (4):

"Notwithstanding anything contained in this Section or in any other provision of this Regulation, until the first rules under this Section come into force, the High Court shall have power to admit as advocates persons who in the opinion of the High Court, are duly qualified for the same".

The idea underlying this amendment is that until it becomes possible to admit advocates by the instrumentality of the Bar Council, it should be possible for the High Court to admit advocates so that there may not be any interregnum as it were during which it may not be possible under the Bill as it is, for the Bar Council or for the High Court, to admit practitioners. I may say Sir, that there is no room for any such apprehension, having regard to the provisions of the present Bill. Even though some amend ments to the Vakils' Regulation of 1075 are proposed in the present Bill, those amendments will come into operation only after sometime; and until then the High Court will continue to enrol High Court Vakils under the provisions of the existing Vakils' Regulation. The amendments to the Vakils' Regulation proposed by the Bill, if given effect to, will not permit the High Court to enrol any vakil to practise in the High Court but those amendments will come into operation only after some time. Clause 20 says:—

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[MR. Kayalam Paramesvaran Pillai.]

"When Sections 8 to 16 come into force, the enactments mentioned in the first column of the Schedule shall be amended to the extent and in the manner specified in the second column of the Schedule".

So, the amendments to the Vakils' Regulation will come into operation only when Clauses 8 to 16 come into force. Clause 8 says:—

"No person shall be entitled as of right to practise in the High Court or in any of the Courts subordinate thereto unless his name is entered in the roll of advocates maintained under this Regulation".

It is only after this Bill comes into operation, and when Clauses 8 to 16 are brought into operation that the High Court will cease to have power to enrol any person as vakil either in the High Court or in the subordinate courts. In other words, until the provisions of the Bar Council Bill become fully operative, the High Court will retain the power to enrol vakils. Therefore there is no need for any apprehension that for some time there would be no authority to admit qualified persons as practitioners. In this view, the present amendment is not necessary.

Let me also say that the amendment as it stands proposes to give the High Court power to enrol that class of persons known as "advocates," who will come into existence only when Clause 8 and other Clauses come into operation. It will not be possible either for the High Court or for any authority to enrol any *advocate* until the provisions of this Bill come into operation. In this view the amendment is also objectionable.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether the rules to be framed under Clause 9 (2) are to come into effect on the date on which Clauses 8 to 16 are to come into effect?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is how the matter will be arranged, if found necessary to do so. On a previous occasion, when Mr. Asan moved another amendment I said that it will not be possible to bring all these provisions into operation together. We will see that the rules are put into operation only when Clause 8 is put into operation. The amendments to the Vakils' Regulation would come into operation only when Clauses 8 to 16 are brought into operation. Until then, the High Court *will* retain the power to enrol vakils.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I do not press my amendment.

The question that Clause 9 do form part of the Bill was put to the vote of the House and carried.

The Clause was added to the Bill.

Clauses 10 to 20.

The question that Clauses 10 to 20 do form part of the Bill was put to vote and carried.

The Clauses were added to the Bill.

Schedule.

The question that the Schedule do form part of the Bill was put to vote and carried.

The Schedule was added to the Bill.

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Preamble.

The question that the Preamble do form part of the Bill was put to vote and carried.

The Preamble was added to the Bill.

Title.

The question that the Title do form part of the Bill was put to vote and carried.

The Title was added to the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I may now proceed to the third reading of the Bill. But I have some amendments to move. The amendments are being type written so that honourble members may have each a copy. The amendments are purely formal. But it may require some attention as regards the wording. Perhaps you may adjourn the House for an hour, Sir.

PRESIDENT: It is rather unlike the usual alertness of the Law Member. The better plan would be to take them up after lunch.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Mr. Varughese may move his adjournment motion now.

PRESIDENT: It is for Mr. Varughese and the House to decide. I am entirely in the hands of the House. I am prepared to adjourn the House and meet at 1 O' Clock and then finish the discussion on the Bar Council Bill; or, in the alternative, Mr. Varughese can start his motion now.

MR. M. SIVATANU PILLAI (*Tovala*): I suppose he will move the motion now.

PRESIDENT: Presumably, it is for Mr. Varughese to say that, (*Laughter.*)

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): If the motion for adjournment of the House is carried, what shall we do?

PRESIDENT: The House will adjourn.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): We shall not meet again.

PRESIDENT: I know that.

MR. N. E. VARUGHESE (*Tiruvalla I*): I shall move it only at 3-30 P. M., Sir.

PRESIDENT We shall now adjourn and meet again at half-past one. It will give us sufficient time to go on with the adjournment motion.

The House adjourned at 11·24 A. M., and met again at 1·30 P. M. with the President in the Chair.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): In proceeding to the third reading of the Travancore Bar Council Bill, I shall move the following amendments which are purely formal.

I beg to move that:—

In Clause 1, sub-clause (iii) line 1, after the word "on", the expression "the 1st day of Chingam 1113 M. E." be inserted.

This is intended to fix the date on which the Regulation or rather the Sections referred to therein should come into force.

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MR. R. PITCHU AIYANGAR (*Commissioner of Police*): I second it.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know why the learned Law Member has put "M. E." in this Regulation alone?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): To make it quite clear, to show that it is the Malayalam Era, that is intended.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know why it is not put in any other Regulation?

PRESIDENT: Is there any objection on the ground of want of uniformity, Law Member?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No serious objection, Sir.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I also have no objection, Sir.

The amendment was put to the vote of the House and carried.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move that:—

In clause 8, sub-clause (1) after the first proviso the following be inserted as the second proviso:—

"Provided further that any person who is enrolled as a vakil of any District Court under the provisions of any rules made under Section 9, sub-section (3), shall be entitled to practise as vakil as if he had been admitted as a vakil of that court under the Vakils Regulation 1075 and shall be subject to the provisions of that Regulation."

Sub-section (1) of this Section lays down that:—

"No person shall be entitled as of right to practise in the High Court or in any of the courts subordinate thereto unless his name is entered in the roll of advocates maintained under this Regulation."

These advocates alone can practise in the High Court and in the subordinate courts. This amendment proposes that first grade pleaders also may practise subject to certain restrictions.

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): I second it.

The amendment was put to the vote of the House and carried.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move that:—

In Clause 8, sub-clause (2), Proviso, lines 4 and 5, the words "from time to time by Our Government by Notification in Our Government Gazette" be omitted.

During the second reading of the Bill, it was pointed out that the rules proposed to be made under this measure will be published by the Bar Council and not by Government. Somehow or other by a slip, those words now sought to be omitted crept in there; and I now move for their omission.

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): I second it.

The amendment was put to the vote of the House and carried.

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I beg to move the following amendment : –

In Clause 9, sub-clause (3), substitute the following for sub-clause (3) :

"Such Rules shall, notwithstanding anything contained above in this Section, provide also for those second grade pleaders who are vakils of any District Munsiff's Court in Travancore on the 1st day of Chingam 1113 M. E. and continue to be such being qualified to apply for enrolment as vakil of any District Court as the result of an examination held from time to time (for which a fee may be charged) by or under the supervision of the Council and for the persons so qualified being enrolled as vakil of any District Court, and certificates of enrolment granted, by the High Court, on payment of the stamp duty, if any, chargeable under the Travancore Stamp Regulation.

Provided that nothing in the rules shall limit or in any way affect the powers of the High Court to refuse enrolment to any person at its discretion".

This amendment is intended to carry out fully and with formal correctness, the provision, adopted yesterday, to enable second grade pleaders to be enrolled as District Court Vakils, after examination by the Bar Council. The main change brought in here is that in order that a person may be examined by the Bar Council, he must be a vakil on 1-1-1113. He must not have ceased to be a vakil before that date ; he must also continue to be a vakil after that date. If he happens to be dismissed or debarred, he should not be entitled to sit for the examination for the reason that he was a vakil on 1-1-1113. Secondly, he is to be enrolled only by the High Court ; the Bar Council will only examine him and recommend his name to the High Court. There is provision also for a certificate of enrolment being granted by the High Court and for the realisation of the prescribed stamp duty.

Clause 9 (1) says—

"The Council may with the previous sanction of the High Court make rules to regulate the admission of persons as advocates provided that such rules shall not limit or in any way affect the powers of the High Court to refuse admission to any person at its discretion".

That power of the High Court which is recognised in the case of advocates, is also sought to be extended to the enrolment of vakils under this provision.

MR. S. J. NAIR (*Nedumangad*) : With regard to the last sentence of the proviso *i. e.*, "provided that nothing in the rules shall limit or in any way affect the powers of the High Court to refuse enrolment to any person at its discretion", I have objection for including it.

PRESIDENT : In other words, the jurisdiction that the High Court has with regard to advocates, the honourable member is objecting to in the case of the second grade pleaders.

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MR. S. J. NAIR (*Nedumangad*) : By the former amendment it is admitted that enrolment shall be granted by the High Court. That the High Court has jurisdiction over the second grade pleaders is very well recognised by the amendment, even without this proviso. By this I do not mean that the High Court's jurisdiction or control over the pleaders shall be negatived. On the other hand, what I submit is that this proviso is only superfluous and unnecessary, because it is evident from the former portion of this amendment that the second grade pleaders, who get qualified (by passing the examination) to be enrolled as District Court Vakils, will be granted certificates of enrolment only by the High Court, so much so, the power of the High Court, to grant these certificates of enrolment is recognised. Such being the case, there is no necessity for this proviso.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Is the member suggesting that words to the effect "for the persons so qualified being enrolled as vakils of any District Court, by the High Court at their discretion" may be put in ?

MR. S. J. NAIR (*Nedumangad*) : That is not necessary. The Law Member has just now pointed out that, in Clause 9, with reference to the enrolment of advocates, there is jurisdiction vested in the High Court. Such jurisdiction *is* necessary since the advocates are to practise before the High Court. But, the pleaders are not permitted to appear before the High Court. They are permitted to practise only in the District Courts. So, why should the High Court be vested with the power of granting or refusing certificates to the pleaders ?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Has the member any objection for the words "District Courts" being substituted for the words "High Court"?

MR. S. J. NAIR (*Nedumangad*) : The District Courts are under the High Court.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum—Urban*) : Mr. S. J. Nair stated before the House that, while he was prepared to recognise certain powers of discretion being vested with the High Court with regard to the enrolment of advocates, since they were to practise before the High Court, for the reason that pleaders even after passing the proposed examination, are to appear only before District Courts, he was not prepared to give the same powers to the High Court with regard to pleaders. I am sorry, that miliates against the point which I want to raise. Therefore I shall rest my case independently of Mr. S. J. Nair's reasoning. With regard to the advocates who practise in the High Court, and with regard to the admission of pleaders to practise in the District Courts, there is this point of difference. It is nobody's case that the High Court has refused to recognise the competence of advocates, and there has been no suggestion at any time by the High Court that their numbers should be restricted. On the other hand, for years, the High Court has been setting

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its face against these second grade pleaders. The class in the Law College for them has been abolished. The High Court has been expressing themselves very forcibly on that question. Therefore when this provision finds a place in the statute, it will surely set a premium on the inclination of the High Court, an inclination which has been made manifest by them. No doubt, the provision only says that nothing in the rules shall limit or in any way affect the powers of the High Court to refuse enrolment to any person at its discretion. From "any person" it may in due time change to "any class of persons".

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Is it the opinion of the member that the High Court may go against the clear statutory provisions made in this Regulation?

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum Urban*): What the High Court is going to do, I do not know. But it is our business to see that the benefit that the second grade pleaders are now getting should not be whittled down by any kind of restriction. If for any proper reason the High Court declines to give *sanad* to a District Court Vakil, we must recognise their right to do so. But here it is broadly stated as a further proviso that nothing shall affect the powers of the High Court. Considering the attitude evinced by the High Court and considering the opinion expressed in certain quarters, in spite of the statutory provision in favour of the second grade pleaders, this proviso may prove deterimental to their interests. That is my fear. With these words, I support the amendment.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I wish to say a few words on the motion before the House. I am surprised that the Deputy President has taken the view that the High Court will go against the clear provisions of the statute on account of their alleged inclinations against the pleaders. Sir, for my part, I am not able to reconcile myself to the opinion of the Deputy President that the High Court has any such prejudice against any such persons or class of persons. The only thing that is provided in this amendment is that the High Court should have the power, which they have in regard to the advocates, in respect of these pleaders also. I do not think that there can be any objection to that. Mr. S. J. Nair's contention is that the particular court in which a pleader practises should alone exercise disciplinary control over him. That suggestion is preposterous. The High Court has got disciplinary jurisdiction over all the subordinate courts. Under these circumstances, I am not in sympathy with this objection raised against the amendment.

The amendment was put to the vote of the House and carried.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I beg to move that:

In the list of the amendments to the Travancore Stamp Regulation (Regulation IV of 1080) shown in the Schedule, in line 1: the brackets and figure '1' be omitted.

This is only to correct a clerical error.

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MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*) I second it.

The amendment was put to the vote of the House and carried.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I beg to move that :

In the said list of amendments, lines 7 to 13, for clauses (ii) *and* (iii) *substitute the following namely* :—

" (ii) *for the words " High Court " occurring in Clause* (a) *in the first column the words " As advocate under the Travancore Bar Council Regulation " shall be substituted and for the words " District Court " occurring in Clause* (b) *in the first column, the words " As Vakil of any District Court under the Travancore Bar Council Regulation " shall be substituted and*

" (iii) *Clauses* (c), (d) *and* (e) *(both the columns) shall be deleted* ".

Sir, the amendments relate to Article 30 of the Stamp Regulations Under that Article, the Stamp Duty for enrolment of the four classes of vakils, namely the High Court Vakils, the District Court Vakils, the Munsiffs' Court Vakils and the Magistrates' Courts Vakils, is laid down. When this Bill was originally drafted it was the idea to abolish all classes of vakils except advocates. By reason of the Clause adopted yesterday, hereafter there may be District Court Vakils also to be enrolled. When such enrolment takes place, there must be some stamp duty. It is for this purpose, that these amendments are proposed.

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): I second it.

The amendment was put to vote and carried.

The motion that the Bill as amended be passed was then made and put to the vote of the House and carried.

ADJOURNMENT MOTION.

DELAY IN SETTING UP DEBT CONCILIATION BOARDS.

PRESIDENT : The rule says that, ordinarily, adjournment motions should be taken up for consideration at 3-30 P. M. But if the honourable members prefer not to wait till then, I think there is no objection to consider the motion. I should like to know what Mr. Varughese has to say.

MR. N. E. VARUGHESE (*Tiruvalla I*) : Sir, I wish it to be immediately taken up.

Before I move the motion I wish to make a statement. I have been authoritatively informed.....

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : Sir, I rise to a point of order. Yesterday, Mr. Varughese wanted special permission to speak in Malayalam. I think the member should talk in one language, Malayalam or English.

PRESIDENT: The rule says that " The business of the Legislature shall be transacted in English, provided that the President may permit any member to address the Chamber in Malayalam or Tamil." The

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